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March 4, 2011

VIA ECF

Hon. Jose L. Linares, U.S.D.J.
United States District Court for the
District of New Jersey
Martin Luther King, Jr. Federal Building
50 Walnut Street, Room 2042
Newark, New Jersey 07101

Re: *Larson, et al. v. AT&T Mobility LLC f/k/a*
Cingular Wireless LLC, et. al.
Civ. No.: 07-5325 (JLL)

Dear Judge Linares:

This firm represents the Sprint Defendants ("Sprint") in the above-referenced matter. Based on the reasons set forth below, Sprint respectfully renews its application: (1) to enjoin the appeal pending before the Court of Appeal of the State of California First Appellate District, Division Five, Docket No. A120026 (the "California Appeal"); (2) to stay the litigation of the Subscriber Class Case; and (3) for the entry of an order to show cause for contempt of this Court's Final Judgment ("Application").

Yesterday, this Court entered an Order denying without prejudice Sprint's Application. (Docket No. 621). The Order was served today on all counsel of record via ECF. Your Honor's decision was based on the fact that the Respondents to the Application filed a "Motion for Order Staying" the California Appeal until the Third Circuit rules on the pending appeals from this Court's final Approval Order and Judgment ("Stay Motion"). According to the Order, "[i]f the Stay Motion is granted, then such a stay would have the same effect as the application before this Court – namely, preventing the California Court of Appeal from reviewing this Court's decisions – at least until the Third Circuit rules on the pending appeals." More importantly, Your Honor stated that "[i]n the event that the California Court of Appeals denies the Stay Motion, then [Sprint] may renew the instant application."

This letter is to inform Your Honor that today, on March 4, 2011, the California Court of Appeal denied both the Stay Motion and Sprint's Motion to Dismiss the Appeal. (See

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Exhibit A, Order Denying Motion to Stay and Motion to Dismiss). Under the pertinent appellate rules in California, Sprint's deadline to file its Respondent's Brief is today, and so the California Court of Appeal will shortly issue a notice to Sprint requiring that it file its brief within 15 days. *See* Cal. Rules of Court 8.220(a). As a result, Sprint is currently preparing its Respondent's brief and incurring substantial fees as a result. Based on the foregoing and for the reasons set forth in Sprint's previously filed briefs, Sprint respectfully requests that the Application be granted in its entirety.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

s/ Joseph A. Boyle

Joseph A. Boyle

JAB:mc

Encl.

cc: All Counsel via ECF

EXHIBIT A

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

KATHERINE ZILL,
Plaintiff and Appellant,
v.
SPRINT SPECTRUM,
Defendant and Respondent.

Court of Appeal First Appellate District
FILED
MAR 04 2011
Diana Herbert, Clerk
by _____ Deputy Clerk
A128027
(Alameda County Super. Ct. No.
JCCP4332)

BY THE COURT:

Appellant Zill's motion for an order staying the appeal is denied. Respondent Sprint Spectrum L.P.'s request for judicial notice is granted. Respondent Sprint Spectrum L.P.'s request for oral argument on its motion to dismiss the appeal is denied. Its motion to dismiss the appeal is denied without prejudice to its reasserting such motion based on new circumstances which arise hereafter.

Date: MAR 04 2011

JONES, P.J., P.J.